

# **THE KENTUCKY BOARD OF LICENSURE FOR PRIVATE INVESTIGATORS**

## **Minutes**

**March 27, 2008**

A regular Board Meeting of the Kentucky Board of Licensure for Private Investigators was held at the Board offices, Division of Occupations and Professions, 911 Leawood Drive, Frankfort, KY on Thursday March 27, 2008.

### **MEMBERS PRESENT**

Rick Hessig, Chairman  
Roger McDonald, Vice-Chairman  
Jim Ringo  
Gary Tinker  
William Witten  
Mary Pedersen

### **OCCUPATIONS & PROFESSIONS STAFF**

Gerald Hoppmann, Division's Director  
Susan Ellis, Fiscal Section Supervisor  
Adriana Lang, Board Administrator

### **OTHERS PRESENT**

Diane Fleming, Attorney  
Dale Dorning  
Bill Lilly  
Larry Nunes  
Tom Loos  
John Logdon  
Rodney Raby

### **MEMBER ABSENT**

Mike Ober

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### **CALL TO ORDER**

The Chairman, Mr. Rick Hessig, called the meeting to order at 1:00 p.m.

### **ELECTION OF OFFICER**

The Board held its annual election for a Vice-Chairman. Mr. Gary Tinker nominated Mr. Roger McDonald as the Board's Vice-Chairman, the nomination seconded by Mr. Jim Ringo. Mr. Tinker made a motion to elect Mr. McDonald as the Vice-Chairman of the Board. The motion, seconded by Mr. Ringo, carried. Mr. Roger McDonald was elected the Vice-Chairman for the year of 2008.

### **APPROVAL OF MINUTES**

The minutes of the January 31, 2008 meeting was called to the attention of the members. A motion was made by Mr. Roger McDonald to approve the minutes, the motion, seconded by Mr. Jim Ringo, carried.

### **FINANCIAL STATEMENT**

The Board reviewed the Financial Statement indicating a balance of \$82,197.08 from July 1, 2007 to January 31, 2008, and \$83,856.99 from July 1, 2007 to February 29, 2008. A motion was made by Mr. Jim Ringo to accept the Financial Statements. The motion, seconded by Mr. Roger McDonald, carried.

Ms. Susan Ellis informed the Board that a budget transfer amount of \$35,800.00 was scheduled for the fiscal year of 2009. Mr. Gerald Hoppmann discussed with the Board the House Bill 406. Mr. Hoppmann presented the Board a drafted letter regarding the recommended budget for 2008, 2009 and 2010. Mr. Jim Ringo made a motion for Mr. Hoppmann to send a letter to Senator Charlie Borders. The motion, seconded by Mr. Roger McDonald, carried. Ms. Diane Fleming recommended for the Board to ask the professional associations for support on the objection to the budget balance transfer.

### **DIRECTOR'S REPORT**

Mr. Gerald Hoppmann formally introduced himself to the Board as the new Director of the Division of Occupations and Professions. The Board welcomed Mr. Hoppmann.

**DIRECTOR'S REPORT CONTINUED**

Mr. Gerald Hoppmann presented the Board a letter from Virginia Woodward regarding the KRS 12.070 and information for Boards of licensure.

Mr. Hoppmann presented a letter from the Attorney General's Office regarding a rate reduction on their legal fees.

**ATTORNEY REPORT- LEGAL MATTERS**

Ms. Diane Fleming provided the Board updates on the ongoing draft of the 201 KAR 41:040, 201 KAR 41:070, 201 KAR 41:065, 201KAR 41:060. Mr. Roger McDonald made a motion to approve the revisions of the regulations to be filed with the Legislative Research Commission LRC. The motion, seconded by Mr. Jim Ringo, carried. Ms. Fleming stated that she file the regulations and bring an update to the next scheduled meeting.

Ms. Diane Fleming informed the Board that she drafted and mailed a cease and desist letter for the case number 07-002.

Ms. Diane Fleming presented the Board a copy of a letter she drafted in response to Mr. James Skees. Mr. Gary Tinker made a motion for Ms. Fleming to send the letter to Mr. Skees. The motion, seconded by Mr. William Witten, carried.

Ms. Diane Fleming informed the Board that she received a follow up telephone call from Mr. Eric Lakes in response to the Board's Cease and Desist letter. The Board requested Ms. Fleming to send Mr. Lakes a legal affidavit stating that he is not a private investigator for him to sign it and return before the next scheduled meeting.

Ms. Diane Fleming provided the Board an update on the cases Whitehall Bureau and Brian Finney. Mr. Jim Ringo made a motion for Ms. Fleming to send a Cease and Desist letter to Whitehall Bureau. The motion, seconded by Mr. Roger McDonald, carried. Mr. Jim Ringo made a motion for Ms. Fleming to file an injunction against Brian Finney. The motion, seconded by Mr. Roger McDonald, carried.

Ms. Diane Fleming stated that she was going to check on the letters to Barbara Payton, George Nemecek, Diane Patterson, Michael Kessler, Mike Worley, Thomas Welby, and would bring an update to the next scheduled meeting.

Ms. Diane Fleming presented the Board a copy of a letter from Rodney Brock regarding the ownership changes of Inspectaclaim, LLC. The Board requested Ms. Fleming to make a telephone call to Mr. Brock to follow up the case and bring an update to the next meeting. The Board authorized their administrator to change the qualifying agent and owner of Inspectaclaim, LLC. to Mr. Peter Wilkins and to issue Mr. Wilkins a new company license.

Ms. Fleming informed the Board that she received an e-mail from a former KBI investigator regarding the licensure exemptions. Mr. Gary Tinker made a motion for Diane Fleming to send a letter stating that he is required to apply for a license in order to work as a private investigator in the Commonwealth of Kentucky. The motion, seconded by Mr. Roger McDonald, carried.

Ms. Diane Fleming informed the Board that she was going to check the hearing officer schedule in order to schedule the hearings for Rick Everroad and Robert Wilson.

Ms. Diane Fleming stated that final correspondences would be drafted regarding the cases against the licensees that failed to provide proof of insurance and that she would forward copies of the correspondences to the Board office.

**OLD BUSINESS**

Ms. Diane Fleming provided an explanation on the Board Member code of Ethics. Mr. Roger McDonald made a motion to defer the Code of Ethics to the next scheduled meeting. The motion, seconded by Mr. William Witten, carried. The Board requested their administrator to send them an electronic copy of the Board Member Code of Ethics.

**OLD BUSINESS CONTINUED**

The Board reviewed correspondence from Mr. Robert Schildknecht regarding proof of liability insurance availability.

The Board reviewed an appeal request from Mr. Brian Wong. Mr. Jim Ringo made a motion to defer Mr. Wong's request to the next scheduled meeting. The motion, seconded by Mr. Roger McDonald, carried.

The Board reviewed correspondence from Schroeder Measurement Technologies, Inc. (SMT) regarding a Contract Renewal Proposal. Staff members presented the Board an Exam Contract Timeline along with a copy of the Master Agreement between the Board and SMT. Mr. Gerald Hoppmann informed the Board that based on a telephone call with Mr. Joel Karmazyn, SMT is currently negotiating new exam sites contracts with Overland Park, Paducah, Elizabethtown, Madisonville, Prestonsburg, Owensboro and Somerset. And that the currently available exam sites are two locations in Lexington (New horizons and Blue Grass Technical College) and Covington (Gateway Community College). Mr. Jim Ringo made a motion for Mr. Hoppmann to draft a letter to SMT scheduling a conference telephone call on May 1, 2008 at 2:00 pm E.S.T. and formally inform SMT that all exam sites shall be available in the Commonwealth of Kentucky pursuant to KAR.41:030. The motion, seconded by Mr. Roger McDonald, carried.

**NEW BUSINESS**

The Board reviewed an e-mail from Lewis Car regarding polygraph examiners. The Board requested their administrator to send an e-mail in response, stating that he is required to apply for a private investigator license.

The Board reviewed an e-mail s regarding The Kentucky League of Licensed Investigators K.L.L.I. The Board agreed that the K.L.L.I. is eligible to provide continuing education, however, they cannot state or advertise that they are approved by the Board until are formally approved by the Board.

The Board reviewed an e-mail from Mr. Gary Tinker regarding Associations One Conference held February 20-23, 2008. Mr. Tinker provided the Board an update on the conference.

The Board reviewed the list of employees working for Tri-State Investigations, LLC., and found that two individuals list as employees doesn't hold a Kentucky Private Investigator license. Mr. Gary Tinker made a motion for their administrator to send a letter requesting Tri-State Investigations, LLC. to provide a list a current private investigators working for their company. The motion, seconded by Mr. Roger McDonald, carried.

The Board reviewed an e-mail from Theresa Carroll regarding the KRS 329A.070 (9). The Board requested their administrator to send a copy of the Attorney General's Opinion regarding the private investigating companies and soleproprietors in response to Ms. Carroll.

The Board reviewed an e-mail from Wade Lowhorn regarding Law Enforcement Exemption from Security Guard Licensing.

The Board reviewed an e-mail from Kristin Mihailovich regarding state licensing requirements. The Board requested their administrator to send a copy of the Board's Laws and Regulations to Ms. Mihailovich in response to Ms. Mihalovich.

The Board reviewed an e-mail from the fiscal section stating that effective June 30, 2008 the mileage reimbursement will be .45 cents per mile.

The Board reviewed correspondence from Bruce Hatcher regarding Heath Investigations/ Steve Heath. Mr. Roger McDonald made a motion for Ms. Diane Fleming to send a Cease and Desist Letter to Mr. Heath and Heath Investigations, and to refer the case to the Commonwealth Attorney. The motion, seconded by Mr. Jim Ringo, carried.

### **NEW BUSINESS CONTINUED**

The Board reviewed correspondence from the Federal Bureau of Investigation regarding the finger print card procedures.

The Chairman, Mr. Rick Hessig, asked the audience to briefly introduce themselves. Mr. Larry Nunes presented the Board a letter from the Kentucky League of Licensed Investigators K.L.L.I. Mr. Hessig asked Mr. Nunes to follow the division's procedures and give the correspondence to their Board administrator. The Board reviewed a correspondence from K.L.L.I. regarding their request for a Board's recognition for their association to be pre-approved for continuing education. The Board agreed to defer the review of the K.L.L.I. and requested Mr. Nunes to send additional information to the Board office for further review by the next Board meeting. Mr. Tom Loos asked for discussion on the Board's decision. Ms. Fleming stated that the Board's decision was to defer the request and recommended their association to mail additional information regarding their association to the Board office for the Board to review it on the next meeting. Mr. Loos continued his request for discussion. Mr. Gary Tinker tried to speak and was interrupted by Mr. Loos. Mr. Rick Hessig asked Mr. Loos to allow the Board to continue their other businesses and to respect the Board's decision. Mr. Loos stated that the reason he wanted to speak was because he was representing Ms. Ann Lang. Mr. Hoppmann asked Mr. Loos if he was Ms. Ann Lang's attorney. Mr. Loos stated that he was Ms. Lang's private investigator. Mr. Loos stated that if the Board didn't allow him to speak he would seek a legal action against the Board.

The Board reviewed an e-mail from Mr. Tom Loos regarding licensing questions and procedures. Ms. Diane Fleming suggested that she would draft a response to Mr. Loos on behalf of the Board. The Board accepted Ms. Fleming suggestion.

Mr. Dale Dorning introduced himself as the representative of the Kentucky Society of Professional Investigators KSPI and stated that despite recently rumors, the KSPI has been always active in business. Mr. Dorning thanked the Board for previously approving the KSPI as one of the associations approved for continuing education, and for allowing the KSPI web link being posted on the Board's website.

Mr. John Logdon informed the Board that he was aware of a soleproprietor company that had more than one investigator. The Board instructed Mr. Logdon to send a letter including the company and individual's name to the Board office for review on the next scheduled meeting.

### **APPLICATION REVIEW COMMITTEE**

Mr. Gary Tinker gave the following report from the Applications Review Committee. Mr. Jim Ringo made a motion to approve the applications committee recommendations. The motion, seconded by Mr. William Witten, carried.

INDIVIDUALS APPROVED WITH PROVISIONS: *Danny Cope, James Devasher, III., James Devasher, Jr., Elmer Greene, Kenneth Heath, Edward Norris, George Raby, Jonathan Shackelford, Linda Stokes, Chad Toeniskoetter, Johnny Watts, Ernest Wilkins, James Yates and Violetta Zelikov.*

COMPANY APPROVED: *Kentucky Special Investigations, Unit.*

COMPANY APPROVED WITH PROVISIONS: *Devasher Investigations, LLC. and WW Investigations, LLC.*

INDIVIDUALS APPROVED BY RECIPROCITY: *Larry Woorroof.*

### **TRAVEL AND PER DIEM**

A motion was made by Mr. Jim Ringo to approve payment of travel expenses and per diem compensation for eligible members in attendance at today's meeting. The motion, seconded by Mr. Roger McDonald, carried.

**ADJOURNMENT**

The Chairman, Mr. Rick Hessig, informed the Board that the next meeting is scheduled for Thursday, May 1, 2008, at 1:00 p.m., the Application Review Committee Meeting at 10:00 p.m. Having no further business to be brought before the Board, a motion was made by Mr. Jim Ringo to adjourn. Motion seconded by Mr. Roger McDonald, carried. The meeting adjourned at 4:45p.m.

**APPROVED**